

MILITARY GOVERNMENT GAZETTE—GERMANY
(BRITISH ZONE)

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This issue is and subsequent issues will be published in loose leaf form and should be retained for subsequent insertion in binders which will be issued shortly.

Where parallel texts are required, sheets from the separate English and German texts should be interleaved.

LAW No. 67

Supply of Currency to the Area of Greater Berlin

WHEREAS the Military Governors and Commanders-in-Chief of the British, French and United States Zones have agreed that the Bank deutscher Laender shall furnish to the Area of Greater Berlin the amounts of Deutsche Marks which the area is liable to pay to the Berlin Central Bank (Berliner Zentralbank) pursuant to the "Ordinance for the Establishment of the Berliner Zentralbank" of the respective Commandants of the French, British and United States sectors of Berlin, which came into force on 20th March, 1949, with the approval of the respective Military Governors and Commanders-in-Chief;

IT IS HEREBY ORDERED AS FOLLOWS:—

Article 1

Pursuant to the provisions of Article 3 of Military Government Ordinance No. 129 (Amended 1), "Establishment of a Bank deutscher Laender", the Bank deutscher Laender shall make available to the Area of Greater Berlin, for the account of the Combined Economic Area and the Laender of the French Zone, the amounts in Deutsche Marks which the Area of Greater Berlin is liable to pay to the Berlin Central Bank pursuant to the provisions of Article 8, para 52 of the Military Government Ordinance above referred to, entitled "Ordinance for the Establishment of the Berliner Zentralbank", to wit, the amounts.

- (a) which were paid out by the Currency Commission, as hereinafter defined, in accordance with the provisions of Article 2, para 6 of the Ordinance issued by the respective Commandants of the French, British and United States Sectors of Berlin entitled "Ordinance for Monetary Reform", effective 25 June, 1948, and of sub-para 1 (b) of Regulation No. 1 issued pursuant to such Ordinance;
- (b) which were granted by such Currency Commission as a first supply according to the provisions of Article 5, para 16 of such "Ordinance for Monetary Reform";
- (c) constituting the special advance of DM 75,000,000 granted to such Currency Commission pursuant to para 1 of Regulation No. 3 under Military Government Law No. 61, "First Law for Monetary Reform (Currency Law)";
- (d) which were granted by the Berlin Central Bank to the Area of Greater Berlin according to the provisions of para 8 (a) of the Ordinance issued by the respective Commandants of the French, British and United States Sectors of Berlin entitled "Third Ordinance for Monetary Reform (Supplemental Currency Ordinance)", effective 20 March, 1949; and
- (e) which were credited on Giro account by the Berlin Central Bank to the financial institutions, as hereinafter defined, according to the provision of Article 1, sub-para 1 (a) and 1 (b) of the Ordinance issued by the respective Commandants of the French, British and United States Sectors of Berlin entitled "Fourth Ordinance for Monetary Reform (Supplemental Conversion Ordinance)", effective 20 March, 1949.

Article 2

The Combined Economic Area and the Laender of the French Zone shall issue and deliver to the Bank deutscher Laender their interest free obligations in cover of the amounts made available by the Bank deutscher Laender in accordance with the provisions of Article 1 hereof.

Article 3

The total amount of the obligations to be delivered as provided in Article 2 shall be apportioned between the Combined Economic Area and the Laender of the French Zone in accordance with the relationship provided in Article 10, para 3 of Regulation No. 2 under Military Government Law No. 63, "Third Law for Monetary Reform (Conversion Law)", effective 27 June, 1948.

Article 4

The debtors of the obligations provided for in Article 2 shall receive as an equivalent, obligations of the Area of Greater Berlin in the same amount, as is provided in Article 8, para 53 of the Military Government Ordinance entitled "Ordinance for the Establishment of the Berliner Zentralbank" above referred to.

Article 5

The following legislation is hereby repealed:—

- (a) Regulation No. 3 under Military Government Law No. 61, "First Law for Monetary Reform (Currency Law)";
- (b) Regulation No. 21 under Military Government Law No. 63, "Third Law for Monetary Reform (Conversion Law)".

Article 6

The Allied Bank Commission is hereby empowered to issue regulations in implementation and amplification of this Law.

Article 7

The German text of this Law shall be the official text and the provisions of Military Government Ordinance No. 3 and of Article 2, para 5 of Military Government Law No. 4 shall not apply to such text.

Article 8

As used herein:

- (a) The term "Combined Economic Area" shall mean the Laender of Bavaria, Bremen, Hesse, Wuertemberg-Baden, Lower Saxony, North Rhine-Westphalia, Schleswig-Holstein and Hansestadt Hamburg;
- (b) The term "Laender of the French Zone" shall mean the Laender of Rhine-Palatinate, Wuertemberg-Hohenzollern and Baden;
- (c) The term "Currency Commission" shall mean the Deutsche Mark Currency Commission created by the provisions of Article 5, para 15 of the Military Government Ordinance entitled "Ordinance for Monetary Reform" above referred to;
- (d) The term "the financial institutions" shall mean the Berliner Stadtkontor West, the Sparkasse der Stadt Berlin West and the Volksbank as so defined in Article 1, para 1 (a) of the Military Government Ordinance entitled "Fourth Ordinance for Monetary Reform (Supplemental Conversion Ordinance)" above referred to.

Article 9

This Law shall be deemed to have become effective on 20 March, 1949.

BY ORDER OF MILITARY GOVERNMENT.

LAW No. 22

Audit of Occupation Costs and Mandatory Expenditures

WHEREAS the Military Governors of the British and United States Zones have agreed that the General Accounting Office in the Combined Economic Area shall be responsible for the audit of occupation costs and related mandatory expenditures paid from the Bizonal or any Land budget;

AND WHEREAS the Military Governor of the United States Zone is promulgating Law No. 22 to give effect to this agreement;

NOW IT IS HEREBY ORDERED AS FOLLOWS:—

Article 1

All accounts dealing with occupation costs and related mandatory expenditure which are paid from the Bizonal or any Land budget shall be audited by the General Accounting Office in the Combined Economic Area.

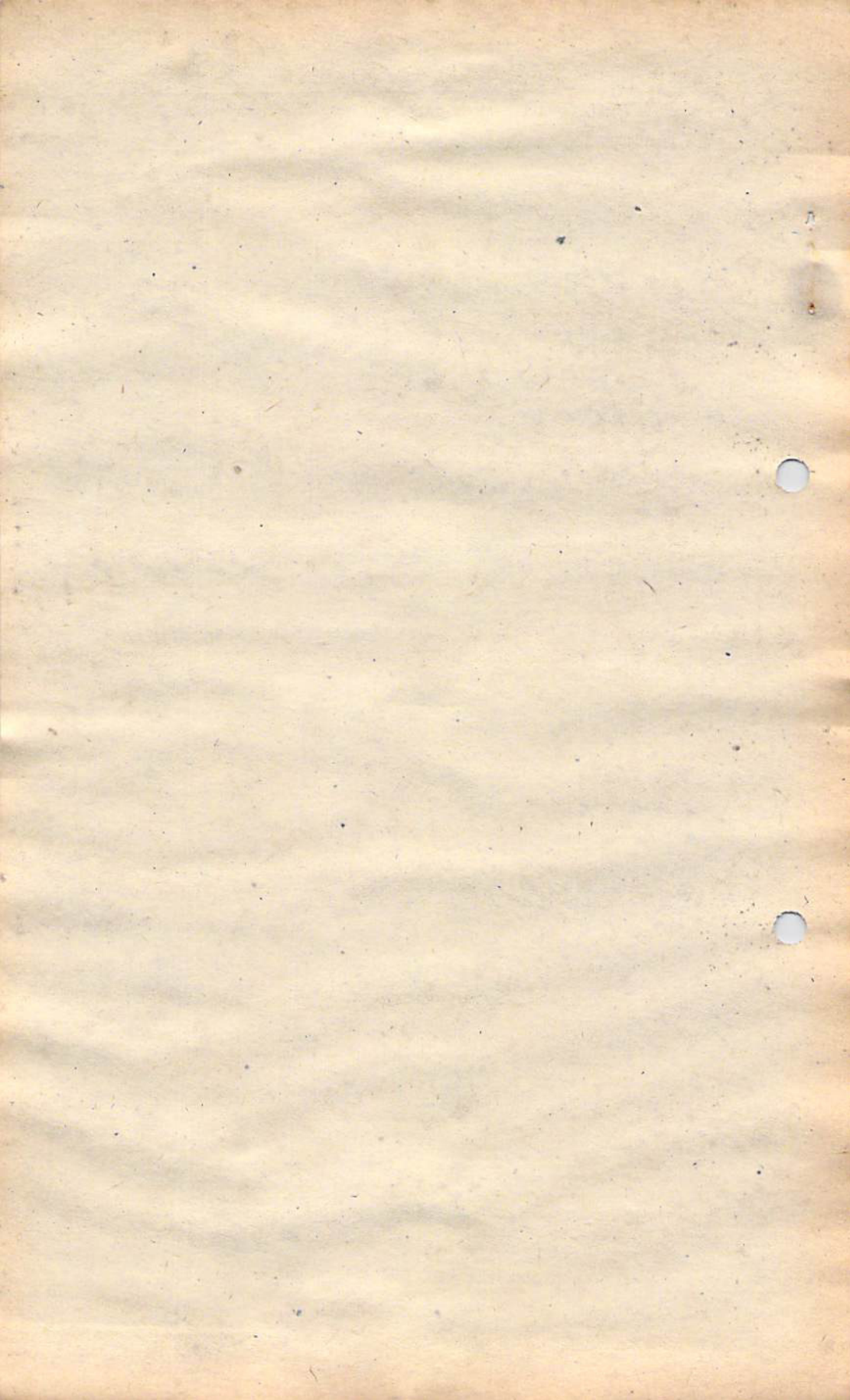
Article 2

Military Government may from time to time issue regulations and instructions in implementation of this Law.

Article 3

This Law shall be deemed to have become effective on 1st April, 1949.

BY ORDER OF MILITARY GOVERNMENT.



Article 5**Offences**

7. Any person who violates the provisions of this Ordinance or commits a breach of any licence or authority granted in pursuance of any Regulation issued thereunder or who attempts to violate or participates in or abets the violation or breach of any such provision shall be guilty of an offence and upon conviction by a Control Commission Court shall be liable to imprisonment not exceeding one year or to a fine not exceeding £200 or to both such imprisonment and fine.

Article 6**Disqualification**

8. (a) A Control Commission Court before which a person is convicted of any offence in connection with the driving of a motor vehicle to which this Ordinance applies may order that he be disqualified from holding or obtaining a licence to drive a motor vehicle for such period as the Court thinks fit. The Court shall order that particulars of such conviction and, where a disqualification is imposed, of such disqualification be endorsed on any licence held by the offender issued by the Licensing Authority competent under the Regulations to be issued pursuant to this Ordinance and that such Licensing Authority be notified accordingly.
- (b) A person so disqualified may appeal against the order in the same manner as against a conviction.
- (c) Where a person who has been disqualified by an order made under this Article is the holder of a Licence, the licence shall be suspended so long as the disqualification continues in force.

Article 7**Effective Date**

9. This Ordinance shall come into force on the 1st September, 1949.

BY ORDER OF MILITARY GOVERNMENT.

ORDINANCE No. 197**Election to the First Bundestag**

WHEREAS it is necessary to remove doubts which have arisen in the British Zone from Section 5 of the Electoral Law for the first Bundestag of 15 June, 1949 (Bundesgesetzblatt p. 21) read with Military Government Law No. 20 (Election of certain public servants to the first Bundestag).

NOW IT IS HEREBY ORDERED AS FOLLOWS:—

Article 1

Judges and officials (Beamte und Angestellte) of the Public Service shall not be disqualified by reason of their membership of the Public Service for standing for election and being elected to the first Bundestag. They shall however, on acceptance of election to the first Bundestag, cease by operation of law to be members of the Public Service, unless Article 2 of Military Government Law No. 20 applies.

Article 2

The provisions of Military Government Law No. 20 remain unchanged.

Article 3

The German text of this Ordinance shall be the official text and the provisions of Military Government Ordinance No. 3 and of Article 2, para 5, of Military Government Law No. 4 shall not apply to such text.

Article 4

This Ordinance shall be deemed to have come into force on 2nd June, 1949.

BY ORDER OF MILITARY GOVERNMENT.

ORDINANCE No. 198**Power to take Fingerprints****Article 1**

1. Where any person not less than fourteen years of age has been taken into custody and is charged with an offence before a Control Commission Court, the Court may, if it thinks fit, on the application of a Public Safety Officer, order that the fingerprints of that person shall be taken by a Public Safety Officer or member of the British Civil Police.

2. Fingerprints taken in pursuance of an order made under this Ordinance shall be taken at the Court, or if the person to whom the order relates is remanded in custody, at any place to which he is committed and a Public Safety Officer or member of the British Civil Police may use such reasonable force as may be necessary for that purpose.

Article 2

3. This Ordinance shall apply, *inter alios*, to official British civilians.

Article 3

4. This Ordinance shall come into force on 27th July, 1949.

BY ORDER OF MILITARY GOVERNMENT.

NOTICE

Licensing of Prohibited Transactions

1. By Military Government Laws Nos. 52 and 53, certain transactions effected without Military Government licence are null and void.

2. It has been the practice for persons who enter into contracts to submit them subsequently to Military Government for a licence. Since, however, such contracts were null and void *ab initio*, German Courts have held that a Military Government licence does not have the effect of putting such a contract into force.

3. The proper practice to be observed is for contracts to be submitted to Military Government, undated and unsigned. The signatures and date should be inserted only after a Military Government licence has been obtained.

BY ORDER OF MILITARY GOVERNMENT.

NOTICE

The Notice as to registration of former members of the German Armed Forces (published in Military Government Gazette No. 12 at page 287) as amended by the Notice dated the 20th September, 1946, (published in Military Government Gazette No. 14 at page 330), is hereby cancelled with effect from the 1st August, 1949.

BY ORDER OF MILITARY GOVERNMENT.

GENERAL LICENCE NO. 15

Issued pursuant to Military Government Law No. 52

(Blocking and Control of Property)

also known as

GENERAL LICENCE NO. 9

Issued pursuant to Military Government Law No. 53

(Foreign Exchange Control)

1. A general licence is hereby granted under Article II of Military Government Law No. 52 and Article I of Military Government Law No. 53 authorizing all transactions in relation to any claim for restitution filed pursuant to and within the scope of Military Government Law No. 59 — Restitution of Identifiable Property to victims of Nazi oppression — provided that:—

- (a) the transaction is necessary and incidental to the filing, prosecution, renunciation, settlement or final adjudication of or defence to such claim;
- (b) the claim for restitution is filed on behalf of a persecuted person his heir or other successor in title not being an assignee.

2. This general licence does not authorize:—

- (a) The debiting of any account blocked pursuant to Military Government Law No. 52 unless the account is in the name of

and is owned by a party to the restitution proceedings and recourse to the funds in the account is required for the payment of obligations of such party necessarily arising in connection with the proceedings;

- (b) the transfer or assignment of title to any property or funds situated outside Germany;
- (c) the transfer or delivery of any property the subject of a restitution order any person other than the claimant or person duly authorized by him;
- (d) the removal without the authorization of Military Government of any property from the British Zone.

3. This general licence shall become effective on 29th July, 1949.

BY ORDER OF MILITARY GOVERNMENT.

AMENDMENT No. 2

to Civil Mixed Watchman Service and Civil Mixed Labour Organisation Standing Orders

Paras 3, 4 and 13 of the Standing Orders dated 1st August, 1947, as amended by the Standing Order dated the 1st April, 1948, are cancelled and of the following the are substituted therefor:—

- "3. The following acts and omissions on the part of a member of the Civil Mixed Watchman's Service or of the Civil Mixed Labour Organisation are disciplinary offences punishable by an Officer Commanding the British Parent Unit in accordance with the provisions of these Standing Orders:—
- (a) Using threatening or insubordinate language to his superior officer;
 - (b) disobedience of any lawful order given by his superior officers;
 - (c) neglect to obey General or Standing Orders applicable to members of the Civil Mixed Watchman's Service of the Civil Mixed Labour Organisation;
 - (d) absence without leave;
 - (e) theft or fraudulent misapplication of any property or the receiving of any property knowing it to have been stolen or fraudulently misapplied;
 - (f) intentionally or negligently losing, destroying or damaging any property entrusted to his care or use;
 - (g) receiving or offering to receive any bribe for the non-performance of his duty, or carrying out or taking part in any corrupt transaction;
 - (h) drunkenness when on duty;
 - (i) any act, conduct, disorder or neglect to the prejudice of good order or of the interests of the British Administration in Germany.

Provided that where any such acts or omissions committed outside premises occupied by the Occupation Authorities, constitute also an offence against any Military Government enactment or German law, such offence shall not be summarily dealt with hereunder by an Officer Commanding British Parent Unit, unless he has first ascertained that no charge is to be preferred in any Control Commission or German Court or, if a charge is to be brought, until after the conclusion of such proceedings".

"4. A person convicted or acquitted by a Control Commission or German Court of an offence against a Military Government enactment or any German Law can be punished disciplinarily for a breach of discipline which is not an ingredient of the offence of which he has been convicted or acquitted".

"13. In any case in which a sentence exceeding 14 days' imprisonment or a fine exceeding 14 days' stoppage of pay is imposed by a Commanding Officer, the Chief Magistrate or a Legal Officer delegated by him shall review the finding and sentence of such Commanding Officer and may set aside, suspend, commute or modify any such finding or sentence. Where he has set aside a finding he may, where appropriate, direct a trial of any case in a Control Commission Court".

BY ORDER OF MILITARY GOVERNMENT.